

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EMERSON TOHAFJIAN,

Plaintiff,

-against-

J. WERLAU; M. MILLER; D.  
MARTUSCELLO, III,

Defendants.

25-CV-4284 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

On June 6, 2025, the Court received from Plaintiff a letter, dated May 22, 2025, in which he states that he wishes to withdraw this action. (ECF 6.)

The Court grants Plaintiff's request to withdraw this action, and dismisses the complaint without prejudice under Rule 41(a) of the Federal Rules of Civil Procedure.

The Clerk of Court is directed not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff is directed not to deduct any funds from Plaintiff's prison trust account for this lawsuit.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 10, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge